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3                   **IN THE UNITED STATES DISTRICT COURT**  
4                   **FOR THE DISTRICT OF ARIZONA**

5                   **IN RE BARD IVC FILTERS**  
6                   **PRODUCTS LIABILITY LITIGATION**

5                   No. MD-15-02641-PHX-DGC

6                   **SHORT FORM COMPLAINT**  
7                   **FOR DAMAGES FOR INDIVIDUAL**  
8                   **CLAIMS**

9 Plaintiff(s) named below, for their Complaint against Defendants named below,  
10 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

11 Plaintiff(s) further show the Court as follows:

- 12       1. Plaintiff/Deceased Party:

13                   Edgar Barbot  
14

- 15       2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
16                   consortium claim:

17                   NA  
18

- 19       3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
20                   conservator):

21                   NA  
22

- 19       4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
20                   the time of implant:

21                   New Jersey  
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## New Jersey

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## New Jersey

7. District Court and Division in which venue would be proper absent direct filing:

## District of New Jersey, Newark Division

8. Defendants (check Defendants against whom Complaint is made):

□ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

X Diversity of Citizenship

Other: \_\_\_\_\_

## Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

#### Recovery® Vena Cava Filter

□ G2® Vena Cava Filter

€ G2® Express (G2®X) Vena Cava Filter

 Eclipse® Vena Cava Filter

€ Meridian® Vena Cava Filter

€ Denali® Vena Cava Filter

€ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

05/15/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

¶ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

¶ Count III: Strict Products Liability – Design Defect

¶ Count IV: Negligence - Design

## ☒ Count V: Negligence - Manufacture

¶ Count VI: Negligence – Failure to Recall/Retrofit

¶ Count VII: Negligence – Failure to Warn

## ¶ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

¶ Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentationmber 16, 2010

- Count XIII: Fraudulent Concealment
  - Count XIV: Violations of Applicable (Insert State)  
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
  - Count XV: Loss of Consortium
  - Count XVI: Wrongful Death
  - Count XVII: Survival
  - Punitive Damages
  - Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

RESPECTFULLY SUBMITTED this 10th day of January, 2020.

MCSWEENEY/LANGEVIN LLC

By: /s/ David M. Langevin

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